

BEFORE THE INSURANCE COMMISSIONER  
FOR THE STATE OF ARKANSAS

IN THE MATTER OF  
PATRICK MOSLEY  
LICENSE NO. 311986

A.I.D. NO. 2008- 0 5 4

EMERGENCY LICENSE SUSPENSION ORDER

On this day the emergency matter of Patrick Mosley ("Respondent") came before Julie Benafield Bowman, Arkansas Insurance Commissioner ("Commissioner"). The Arkansas Insurance Department ("Department") was represented by Booth Rand, Chief Counsel. From the facts before the Commissioner, it is found:

1. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. §23-61-103 and the authority to issue emergency license suspensions under Ark. Code Ann. § 23-64-216(e), § 23-64-512(a), and § 23-66-408.

2. Respondent is currently licensed in Arkansas as a non-resident accident, health and sickness producer, license number 311986. Respondent's last reported address to the Department is 4550 35 AVE APT B126, Meridian, MS 39305.

3. On July 25, 2008, the Department mailed to Respondent a notice to attend an investigation conference at the Department on August 1, 2008, to discuss consumer complaints filed against Respondent, or which involved Respondent, in the sale of Medicare Advantage products to the following consumers: (1) Thomas Hale of 67 CR 708, Wynne, AR 72396; (2) Gaylord Hill of 1020 N. Iazard St., Forrest City AR 72335; (3) Gracie Lynch of 321 Monroe St., Clarendon, AR 72029; (4) Robert Melton of 480 SFC

704, Forrest City, AR 72335; (5) Goldie J. Arnold of 205 Patterson, Newport, AR 72112; (6) Evangeline Davis of 2567 Highway 284, Wynne, AR 72396; and (7) Harold Henson of 503 Highway 185, Lexa, AR 72335. A common allegation in the majority of complaints filed against Respondent by the above listed consumers is that Respondent enrolled the consumer into a private Medicare plan, or type of private Medicare plan, without the knowledge or consent of the consumer.

4. Respondent failed to show or attend the August 1, 2008 investigative conference at the Department to discuss the above referenced consumer complaints. The Respondent also has not contacted the Department related to the July 25, 2008 notice of investigative conference.

5. On or about March 11, 2008, the Respondent was mailed the consumer complaint of Thomas J. Hale of 67 CR 708, Wynne, AR 72396 from the Department's Consumer Services Division. According to Department records, Respondent thereafter failed to respond to the Department in response to the complaint.

6. The actions of Respondent, as described in the preceding paragraphs, in not responding to the Department to explain consumer complaints filed against him are in violation of Ark. Code Ann. §23-64-512(a)(13) for "failing to provide a written response to the Commissioner or his or her representative as to transactions under the license within thirty (30) days after receipt thereof unless the timely written response is knowingly waived in writing by the Commissioner." The actions of Respondent, as described in the preceding paragraphs, in not attending the August 1, 2008 investigative conference, are in violation of Ark. Code Ann. §23-64-512(a)(16), for "refusing to be examined or to produce any accounts, records, or files for examination," and Ark. Code

Ann. §23-64-512(a)(17), for “failing to cooperate with the Commissioner in an investigation when required by the Commissioner.” Under Ark. Code Ann. §23-64-512(a), the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer’s license for any one (1) or more of the above described violations.

7. Under Ark. Code Ann. §23-64-216(e), the Commissioner may issue an immediate license suspension order pending a promptly scheduled hearing if “the public health, safety, or welfare imperatively requires emergency action” and “the Commissioner incorporates a finding to that effect in his or her Order.” The Department states due to the large number of consumer complaints filed against Respondent in the last year and the fact that Respondent is not responding to Department correspondence and a request for an investigative conference to discuss these matters, the Department states that a public emergency exists for the immediate suspension of Respondent’s license.

8. At the upcoming hearing, the Department seeks administrative penalties and sanctions, up to and including revocation of the Arkansas insurance licenses of Respondent based on the above allegation related to his failures to respond to the Department, as well for any other code provision violated by Respondent in the sales of private Medicare products as described in the consumer complaints filed against Respondent.

**IT IS THEREFORE ORDERED AND ADJUDGED, as follows:**

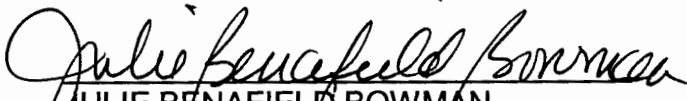
1. Due to the gravity of the allegations and averments, it is found that a public emergency exists for the immediate suspension of Respondents' insurance licenses.

2. Pursuant to Ark. Code Ann. § 23-64-216(e), any and all licenses issued by the Department to Respondent are hereby suspended, pending a promptly instituted hearing on the above matter.

3. The Department reserves the right to amend and/or supplement the facts contained in this Order to include additional violations of state law, with notice to Respondent.

4. A Notice of Hearing is enclosed. At the Hearing, the Department will seek to revoke all insurance licenses of Respondent based on the above allegations.

IT IS SO ORDERED THIS 6th day of August, 2008.

  
JULIE BENAFIELD BOWMAN  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS